

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Fort Mojave Television, Inc.)	File No. EB-08-TC-3900
)	NAL/Account No. 200932170391
Omnibus Notice of Apparent Liability)	FRN: 0015534886
For Forfeiture)	

To: Office of the Secretary
Attention: Enforcement Bureau – Telecommunications Consumers Division

Response Seeking Cancellation or Reduction of Proposed Forfeiture

Fort Mojave Television, Inc. (“FMTV”) and its parent company Fort Mojave Telecommunications, Inc. (“FMTI”) hereby respectfully request cancellation or reduction of the proposed twenty thousand dollar (\$20,000) forfeiture imposed upon FMTV by the Enforcement Bureau¹ for alleged willful or repeated violation of section 222 of the Communications Act of 1934, as amended (the “Act”), section 64.2009(e) of the Commission’s rules and the Commission’s EPIC CPNI Order² regarding the annual Customer Proprietary Network Information (“CPNI”) compliance certification for calendar year 2007.

FMTV is not in violation of either the Act or the Commission’s rules as its certification for compliance with the Commission’s CPNI rules is encompassed within that of its parent, FMTI. FMTI properly and timely filed the annual CPNI certification for calendar year 2007 on February 26, 2008.³

¹ *In the Matter of Annual CPNI Certification*, Omnibus Notice of Apparent Liability for Forfeiture, Omnibus Notice of Apparent Liability for Forfeiture, adopt. Feb. 24, 2009, rel. Feb. 24, 2009 (“Omnibus NAL”).

² *In the Matter of Implementation of the Telecommunications Act of 1996, Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information, IP-Enabled Services*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927 (2007) (“EPIC CPNI Order”).

³ Please see Attachment A. FMTI filed its CPNI Certification electronically via the Commission’s Electronic Comment Filing System.

At the time it filed its CPNI certification for calendar year 2007, FMTI believed that it was certifying on FMTV's behalf as well. FMTI and FMTV are intertwined entities. FMTV has no employees that are solely its own. All FMTV employees are FMTI staff members. The management of FMTV and FMTI is the same. As it certified to the Commission, FMTI has in place specific operating procedures regarding the protection of customers' privacy that are in compliance with the Commission's rules and apply to all employees. Further, FMTI received no customer complaints regarding CPNI nor did it take any action against data brokers as there were no attempts to gain access to customers' CPNI. With the minor exception of not listing FMTV's name on the certification, FMTV and FMTI are in complete compliance with the Commission's rules.

Parent companies are seemingly allowed by the Commission to file joint CPNI certifications on their own behalf as well as that of their affiliates. The suggested template attached to the guidance provided by the Enforcement Bureau indicates that one certification may be filed for multiple entities.⁴ The omission of the name of FMTV from the CPNI certification for calendar year 2007 is a technical error at most.

As the Commission states in the Omnibus NAL, the goal of the forfeiture in the instant proceeding is to deter "future non-compliance"⁵ with the Commission's regulations. However, as both the CPNI Certification for calendar year 2007 and the facts stated herein prove, FMTV and FMTI are largely in compliance. The Commission's CPNI rules are "directly responsive to actions of databrokers, or pretexters, to obtain unauthorized access to CPNI."⁶ FMTV and FMTI are concerned, as is the Commission, about the privacy of their customers. To this end, neither FMTV nor FMTI shares customers' CPNI with third parties. Neither FMTV nor FMTI currently use CPNI in any marketing campaigns. All customers receive notification regarding their rights under the CPNI regulations and appropriate records are maintained as prescribed by the Commission's rules.

⁴ See *Public Notice*, EB Provides Guidance on Filing of 2008 Annual Customer Proprietary Network Information (CPNI) Certifications Under 47 C.F.R. §64.2009(e), DA 09-9, rel. Jan. 7, 2009.

⁵ Omnibus NAL, para. 8.

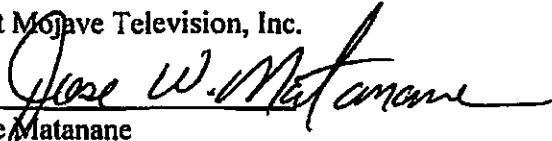
⁶ Omnibus NAL, para. 3, footnote omitted.

FMTI has established a solid record of compliance with the Commission. In its seventeen year history as a regulated carrier, it has never been cited or fined by the Commission for non-compliance with regulations.

FMTV is now aware that its name should be separately listed on CPNI certifications and has taken steps to ensure this action occurs in the future. FMTV respectfully submits that as customers were not harmed by the erroneous omission of its name from the 2007 CPNI Certification and based on the history of overall compliance with the Commission's rules, the proposed forfeiture be cancelled or drastically reduced.

Respectfully submitted,

Fort Mojave Television, Inc.

By: 

Jose Matanane

General Manager

Fort Mojave Television, Inc.

8490 South Highway 95

Suite 104

Mohave Valley, AZ 86440

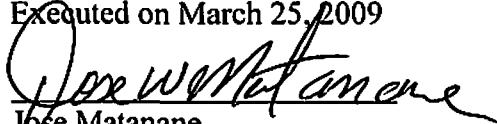
(928) 346-2506

March 25, 2009

DECLARATION OF JOSE MATANANE

I, Jose Matanane, declare under penalty of perjury that the foregoing is true and correct.

Executed on March 25, 2009

A handwritten signature in black ink, appearing to read "Jose Matanane", written over a horizontal line.

Jose Matanane

General Manager

Fort Mojave Television, Inc.

Attachment A

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Date: February 26, 2008

ELECTRONICALLY FILED

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street S. W.
Washington, D.C. 20554

RE: Certification of CPNI Filing, March 1, 2008 for 2007
FCC Docket EB 06-36
Fort Mojave Telecommunications, Inc.
Form 499 Filer ID: 811140

Dear Ms. Dortch:

On behalf of Fort Mojave Telecommunications, Inc., and pursuant to Section 64.2009(c) of the FCC rules, please find attached the carrier's 2007 CPNI certification with accompanying statement. The documents are submitted in accordance with the directives set forth in the FCC's *Public Notice*, DA 08-171, EB Docket No. 06-36, released January 29, 2008.

Please contact me with any questions or concerns.

Sincerely,

Leslie Christina Pilgrim
Senior Regulatory Consultant

Cc: Enforcement Bureau, FCC (2)
Best Copy and Printing, Inc. (1)

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2007

Date filed: February 25, 2008

Name of company covered by this certification: Fort Mojave Telecommunications, Inc.

Form 499 Filer ID: 811140

Name of signatory: Kelly Hills

Title of signatory: Chairman of the Board


I, Kelly Hills, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules, see Attachment A.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, e.g., instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

Signed



Attachment A

Statement Concerning Procedures Ensuring Compliance with CPNI Rules

The operating procedures of Fort Mojave Telecommunications, Inc. ensure that the Company complies with part 64, section 2001 *et seq.* of the FCC rules governing the rules of CPNI.

The Company has established a system by which the status of a customer's approval for the use of CPNI can be clearly established prior to the use of CPNI. The company relies on the involvement of its supervisor/management to ensure that no use of CPNI is made without review of applicable rules and law.

The Company trains its personnel regarding when they are authorized to use CPNI, as well as when they are not authorized to use CPNI. Personnel must sign a verification form stating they have completed training and understand that any infraction of the CPNI procedures can result in disciplinary action being taken against them.

The Company has an express disciplinary process in place for personnel who create or are involved in an infraction of the CPNI rules and the Company's CPNI Operating Procedures.

The Company maintains records of its own sales and marketing campaigns via a log. These records include a description of each campaign, the specific CPNI used in the campaign, and the products and services that were offered as a part of the campaign. The Company has a supervisory review process for all outbound marketing. The marketing campaign log requires a supervisor to review, sign and date the log. These records are maintained for minimum of one year.

The Company maintains records of customer approval for the use of CPNI that include a copy of the notice and the customer's "out-put" written notification. These records are maintained for a minimum of one year.

The Company requires that customers be authenticated at the beginning of all customer initiated calls, online transactions, or in-store visit. In store visits require a valid photo ID.

The Company maintains a log of unauthorized use of CPNI, where law enforcement is required to be notified. This includes the date of discovery, notification to law enforcement, description of the breach, circumstances of the breach and a supervisor's signature and date. This log is maintained for a minimum of two years.